

March 31, 1999

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. **V-2275**  
Proposed Ordinance No. **1999-0059**

**INGWALDSON  
PETITION FOR ROAD VACATION**

**Road:** A portion of 24<sup>th</sup> Avenue Southwest lying north of  
Southwest 107<sup>th</sup> Way, located in the Burien area

|                     |                               |                                  |
|---------------------|-------------------------------|----------------------------------|
| <b>Petitioners:</b> | Dennis L and Terry Ingwaldson | Denny L. Ingwaldson              |
|                     | 1228 SE Deep Lake Road        | 2405 SW 106 <sup>th</sup> Street |
|                     | Port Orchard, WA 98366        | Seattle, WA 98146                |

**SUMMARY OF RECOMMENDATIONS:**

|                           |                       |
|---------------------------|-----------------------|
| Department's Preliminary: | Approve road vacation |
| Department's Final:       | Approve road vacation |
| Examiner:                 | Approve road vacation |

**SUMMARY:**

Class "B" undeveloped right-of-way vacated as petitioned.

**DEPARTMENT REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for File No. V-2275 was received by the Examiner on March 4, 1999.

## PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on File No. V-2275 was opened by the Examiner at 10:00 a.m., March 18, 1999, in the Fifth Floor Conference Room of the Union Bank of California Building, 900 Fourth Avenue, Seattle, WA 98164, and closed at 10:15 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

## 1. General Information:

|                              |  |
|------------------------------|--|
| Road name and location:      | A portion of 24 <sup>th</sup> Avenue Southwest lying north of Southwest 107 <sup>th</sup> Way, located in the Burien area. |
| Right of way classification: | "B" Class  |
| Area:                        | 1,513 square feet  |
| Compensation:                | \$6,377.30   |

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the March 18, 1999, public hearing and the statement of facts contained in Proposed Ordinance No. 1999-0059. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

## CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 1999-0059 to vacate the subject road as petitioned.

RECOMMENDED this 31<sup>st</sup> day of March, 1999.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 31<sup>st</sup> day of March, 1999, to the parties and interested persons on the attached list.

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before April 14, 1999. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before April 21, 1999. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE March 19, 1999 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION  
FILE NO. V-2275, INGWALDSON PETITION FOR ROAD VACATION:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were  
Dennis Ingwaldson, Dennis Gorley and Tommy Burdette.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Report to Examiner with 17 attachments (2/24/99)
- Exhibit No. 2 Petition transmittal letter (9/11/95)
- Exhibit No. 3 Petition for vacation
- Exhibit No. 4 Legal description of proposed vacation area
- Exhibit No. 5 Copy of check #4136, for \$100.00 deposit (9/11/98)
- Exhibit No. 6 Survey map (12/21/94)
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 Copy of portion of assessor's map
- Exhibit No. 9 Copy of Treasurer's deed (#38853)
- Exhibit No.10 Copy of letter from Road Services Division to petitioners (9/20/96)
- Exhibit No.11 Road vacation worksheet V-2275.XLS
- Exhibit No.12 Letter from DOT to KC Clerk of Council (11/22/96)
- Exhibit No.13 Letter from Roads Division to petitioner (12/27/96)
- Exhibit No.14 Copy of check #0001627 from Superior Escrow Services
- Exhibit No.15 Copy of Statutory Warranty deed
- Exhibit No.16 Letter from KC Executive to Council member Miller (2/3/98)
- Exhibit No.17 Proposed ordinance #1999-0059
- Exhibit No.18 Affidavit of posting
- Exhibit No.19 Notice of hearing from Clerk of Council
- Exhibit No.20 Affidavit of publication

RST:vam  
Attachments  
V-22\V-2275